UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RICHARD VAUGHAN,   )
)
        Plaintiff,   )
v.   ) No. 3:07-0210
) JUDGE ECHOLS
PERRY COUNTY GOVERNMENT,   )
)
        Defendant.   )

<u>ORDER</u>

Pending before the Court are Defendant Perry County Government's Motion to Dismiss (Docket Entry No. 7), to which Plaintiff Richard Vaughan did not file a response, and the Report and Recommendation ("R&R") entered by the United States Magistrate Judge on June 1, 2007 (Docket Entry No. 11), to which no objections have been filed.

In the Motion to Dismiss, Defendant pointed out that the *pro se* Plaintiff filed this case in the improper venue, as Perry County is located in the Western District of Tennessee, Eastern Division. Defendant moved to dismiss, suggesting that the action is time-barred because Plaintiff did not file his Title VII Complaint within ninety (90) days of receiving a right-to-sue letter from the Equal Employment Opportunity Commission, and thus, it would be futile to transfer the case to the proper venue.

In reviewing an R&R, the Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the
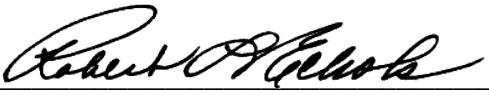
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Magistrate Judge. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b). The R&R correctly determines that Plaintiff's Complaint was timely filed and recommends denying Defendant's motion to dismiss and transferring the case to the Western District, Eastern Division under 28 U.S.C. § 1406(a). Having carefully reviewed the entire record in this case, the Court finds that no error of fact or law appears in the R&R. Accordingly,

(1) the R&R of the Magistrate Judge (Docket Entry No. 11) is hereby ACCEPTED.

(2) Defendant Perry County Government's Motion to Dismiss (Docket Entry No. 7) is hereby DENIED.

(3) The Clerk is hereby DIRECTED to transfer this case to the Clerk of Court for the Western District of Tennessee, Eastern Division, pursuant to 28 U.S.C. § 1406(a).

IT IS SO ORDERED.

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ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE

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